

SENATE FILE NO. SF0047

Controlled substances education and administration.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to controlled substances; providing for
2 specified boards regulating health care practitioners to
3 require continuing education related to controlled
4 substances; requiring electronic prescriptions for controlled
5 substances; requiring practitioners to search the controlled
6 substance prescription tracking program; authorizing
7 exceptions; requiring the state board of pharmacy to provide
8 specified information from the prescription tracking program
9 to providers and dispensers; and providing for an effective
10 date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 33-9-107, 33-15-109(c), 33-21-129 by
15 creating a new subsection (e), 33-23-114,

1 33-24-121(d)(intro), 33-26-202(b)(xiv), 33-30-211(e),
2 35-7-1030(a), (c) and by creating a new subsection (e) and
3 35-7-1060(b) and (c)(i) are amended to read:

4

5 **33-9-107. Licensing matters.**

6

7 A license issued under W.S. 33-9-101 through 33-9-114 shall
8 be designated a "registered podiatrist's license" and may not
9 contain any abbreviations thereof nor any other designation
10 or title except that a statement of limitation shall be
11 contained in the license referring to the licensee as a
12 "registered podiatrist - practice limited to the foot and
13 ankle", so as not to mislead the public with respect to their
14 right to treat other portions of the body. A renewal license
15 fee in an amount established by the board pursuant to W.S.
16 33-1-201 shall be due to the board annually on July 1 each
17 year, and if not paid within three (3) months the license
18 shall be revoked and may be reissued only upon an additional
19 application and payment of a fee in an amount established by
20 the board pursuant to W.S. 33-1-201. Application for renewal
21 shall be accompanied by evidence satisfactory to the board of
22 compliance with participation in continuing education
23 activities as established by rules and regulations of the

1 board. In addition to any other continuing education
2 requirements under this section, the board shall require
3 three (3) hours of continuing education related to the
4 responsible prescribing of controlled substances every two
5 (2) years. The board may waive the continuing education
6 requirement for the first renewal of a license. Licenses
7 shall be conspicuously displayed by podiatrists at their
8 offices or other places of practice.

9
10 **33-15-109. Renewal license certificate.**

11
12 (c) The board may set continuing education requirements
13 for renewal certificates and relicensure certificates. In
14 addition to any other continuing education requirements under
15 this subsection, the board shall require three (3) hours of
16 continuing education related to the responsible prescribing
17 of controlled substances every two (2) years.

18
19 **33-21-129. Renewal of licenses or certificates.**

20
21 (e) In addition to any other qualifications for renewal
22 of licenses or certificates under this section, the board
23 shall require three (3) hours of continuing education related

1 to the responsible prescribing of controlled substances or
2 treatment of substance abuse disorders every two (2) years.

3

4 **33-23-114. Continuing education courses required.**

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6 All optometrists shall take courses of study in subjects
7 relating to the practice of the profession of optometry for
8 the utilization and application of new techniques, scientific
9 and clinical advances, and achievements of research which
10 will assure expansive and comprehensive care to the public.
11 The board shall prescribe the length of study. Attendance
12 shall be at a course or courses approved by the board.
13 Attendance at any course or courses of study is to be
14 certified to the board upon a form provided by the board and
15 submitted by each optometrist to the board. The board may use
16 up to one-half (1/2) of its annual renewal fees for the
17 purposes of contracting with institutions of higher learning,
18 professional organizations, or qualified individuals to
19 provide educational programs that meet this requirement. The
20 board may also treat funds set aside for the purpose of
21 continuing education as state funds for the purpose of
22 accepting any funds made available under federal law on a
23 matching basis for the programs of continuing education. In

1 no instance may the board require a greater number of hours
2 of study than are available at approved courses held within
3 this state. In addition to any other continuing education
4 requirements under this section, the board shall require
5 three (3) hours of continuing education related to the
6 responsible prescribing of controlled substances every two
7 (2) years. The board may waive the requirements of this
8 section in cases of certified illness or undue hardship.

9

10 **33-24-121. Renewal license certificate; late fee;**
11 **expiration upon failure to renew; reinstatement; continuing**
12 **professional education requirement for renewal; reduction or**
13 **exception determined by board.**

14

15 (d) The board may require that any person applying for
16 renewal in accordance with subsection (a) of this section
17 shall satisfactorily complete not less than six (6) nor more
18 than fifteen (15) contact hours or not less than three-fifths
19 (3/5) of one (1) continuing education unit nor more than one
20 and one-half (1 1/2) continuing education units of approved
21 continuing pharmaceutical education courses each year. For
22 purposes of this subsection, one (1) continuing education
23 unit is equivalent to ten (10) contact hours. No hours or

1 units used for one (1) year shall apply to any other year.
2 The board shall promulgate rules and regulations necessary to
3 administer this subsection and may reduce or make exception
4 to the requirements of this subsection for the initial year
5 of application and for emergency or hardship cases. In
6 addition to any other continuing education requirements under
7 this subsection, the board shall require three (3) hours of
8 continuing education related to the responsible prescribing
9 of controlled substances every two (2) years. The board may
10 require a person licensed as an inactive pharmacist, who seeks
11 to be licensed as an active pharmacist, to:

12

13 **33-26-202. Board; duties; general powers.**

14

15 (b) The board is empowered and directed to:

16

17 (xiv) Adopt, amend, repeal, enforce and promulgate
18 reasonable rules and regulations necessary to implement and
19 administer continuing medical education requirements of its
20 licensees. In addition to any other continuing medical
21 education requirements, the board shall require licensees who
22 are registered with the board of pharmacy to dispense a
23 controlled substance in this state to complete three (3) hours

1 of continuing education related to the responsible
2 prescribing of controlled substances or the treatment of
3 substance abuse disorders every two (2) years.

4
5 **33-30-211. Expiration and renewal of licenses; fees;**
6 **veterinarians on active duty with armed services; duplicate**
7 **licenses; continuing education.**

8
9 (e) The renewal under subsection (a) of this section
10 shall be accompanied by evidence satisfactory to the board of
11 compliance with this chapter and completion of continuing
12 education activities as established by rules and regulations
13 of the board. In addition to any other continuing education
14 requirements under this subsection, the board shall require
15 three (3) hours of continuing education related to the
16 responsible prescribing of controlled substances every two
17 (2) years.

18
19 **35-7-1030. Prescriptions required in certain**
20 **instances.**

21
22 (a) Except when dispensed directly by a practitioner,
23 other than a pharmacy, to an ultimate user, no controlled

1 substance in Schedule II may be dispensed without the written
2 or electronic prescription of a practitioner. This subsection
3 is repealed effective January 1, 2021.

4
5 (c) Except when dispensed directly by a practitioner
6 other than a pharmacy to an ultimate user, a controlled
7 substance included in Schedule III or IV, which is a
8 prescription drug as determined under state or federal
9 statute, shall not be dispensed without a written, oral or
10 electronic prescription of a practitioner. The prescription
11 shall not be filled or refilled more than six (6) months after
12 the date thereof or be refilled more than five (5) times,
13 unless renewed by the practitioner. This subsection is
14 repealed effective January 1, 2021.

15
16 (e) On and after January 1, 2021, except when dispensed
17 directly by a practitioner other than a pharmacy to an
18 ultimate user, no controlled substance included in any
19 schedule shall be dispensed without the electronic
20 prescription of a practitioner.

21
22 **35-7-1060. Controlled substance prescription tracking**
23 **program.**

1

2 (b) When a practitioner prescribes a schedule II, III,
3 IV or V controlled substance, the practitioner or his delegate
4 shall search the prescription tracking program for prior
5 prescriptions issued to the patient before first issuing the
6 prescription and shall repeat the search every three (3)
7 months thereafter for as long as the controlled substance
8 remains a part of the patient's treatment. A dispenser shall

9 electronically file with the board information regarding any
10 prescription for a schedule II, III, IV or V controlled
11 substance dispensed by the dispenser no later than the close
12 of business on the business day immediately following the day
13 the controlled substance was dispensed. The board may grant
14 a reasonable time extension to a dispenser or practitioner
15 who is unable to electronically file or search information as
16 required under this subsection. The board may require the
17 filing of other prescriptions and may specify the manner in
18 which the prescriptions are filed. The board may, by rule and
19 regulation, ~~exempt~~ provide exemptions from the requirements
20 of this subsection including exemptions for prescriptions
21 dispensed in certain inpatient health care settings, and
22 exemptions for emergencies and other situations as determined
23 by the board in consultation with other professional

1 licensing boards that license practitioners who are affected
2 by the requirements of this subsection.

3

4 (c) The tracking program shall not be used to infringe
5 on the legal use of a controlled substance. Information
6 obtained through the controlled substance prescription
7 tracking program is confidential and may not be released and
8 is not admissible in any judicial or administrative
9 proceeding, except as follows:

10

11 (i) The board may release information to
12 practitioners and practitioner appointed delegates and to
13 pharmacists and pharmacist appointed delegates when the
14 release of the information may be of assistance in preventing
15 or avoiding inappropriate use of controlled substances. The
16 board shall release information to practitioners and
17 practitioner appointed delegates and to pharmacists and
18 pharmacist appointed delegates when the release of the
19 information is necessary to comply with the requirements of
20 subsection (b) of this section;

21

1 **Section 2.** This act is effective July 1, 2019.

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(END)